The claims remaining in the present application are Claims 1-28. Claims 1, 2, 11, 12, and 21 have been amended. No new matter has been added. For example, support for the amendments to the independent Claims 1, 11 and 21 can be found, among other places, in the original versions of Claims 2 and 12. The Examiner is thanked for performing a thorough search. The Examiner is thanked for allowing Claims 2 and 12 provided they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 U.S.C. §103

Claims 1, 3-11 and 13-28

In paragraph 5 of the Office Action, Claims 1, 3-11 and 13-28 are rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 5,761,505 by Golson et al. (referred to hereinafter as "Golson") in view of U.S. Patent No. 5,247,664 by Thompson et al. (referred to hereinafter as "Thompson"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Golson or Thompson, alone or in combination.

Independent Claim 1 recites,

A method of managing modification of configuration states of a plurality of resources of multiple types in a dynamic data center, said method comprising:
creating a modification policy for said resources;
obtaining a new modification for configuration states of resources of a particular type;
automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy by utilizing a resource pool without degrading a level of service provided by said resources of said particular type by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource, wherein said resource pool includes a plurality of available resources of multiple types; and
causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource.

Golson fails to teach or suggest, "...by re-directing new requests for a service provided by a first resource to said available resource ... causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource," as recited by Claim 1.

For example, Golson teaches a system and method for automatically and reliably managing global resources in a computer network. For example, at Col. 2 lines 41-45, Golson states,

> The global resource management system includes a task manager and a reconciliatory, which both work together in each computer system to ensure that the global resource configuration of the network, as viewed by the respective computer system, is maintained up-to-date, automatically and reliably.

Therefore, Golson's system and method provides a way of ensuring that each computer system has the up-to-date levels of configurations on them. As computer systems are being updated, a computer system may not be responsive. Golson teaches a way of handling computer systems that are not responsive and therefore cannot have the most up-to-date configurations initially installed on them. For example at Col. 9 lines 41-49, Golson states,

> When any such nonresponsive computer system 14 becomes responsive, i.e., is activated or desires to become part of the network domain, the reconciliatory 36 (FIG. 2) associated with the nonresponsive computer system 14 (now responsive) consults the global resource data base 48 (FIG. 5) of the global memory 22 associated with the server computer system 14a to accommodate any unperformed configuration tasks that were directed to the respective computer system 14.

Therefore Golson teaches accommodating any unperformed configuration tasks after the nonresponsive computer system 14 becomes responsive again. In contrast, Claim 1 recites, "causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource" (emphasis added).

Further Golson does not teach or suggest "automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy," as recited by Claim 1. The Office Action asserts that Golson teaches a "modification policy" at Col. 7 lines 5-14 and at Col. 6 lines 8-9. However, Golson states at Col. 6 lines 8-9, "policy, or a resource object 37 applying to all resources of this type (e.g., the default printer);" and state at Col. 7 lines 5-14,

> In general, the task manager 34 forward commands to the other computer systems 14 of the network system 11 to perform the configuration task on the computer systems 14a-14c of the network domain. The architecture and modules of the task manager 34 will be described in detail hereafter relative to FIG. 6.

After the task manager has concluded its operation on the particular configuration task, control of the computer system 14 is passed back to the SAM 18, which presents the results of the configuration task, via perhaps the output device 44 (e.g.., a display; see FIG. 2), to the user.

Referring to Col. 6 lines 8-9, note that Golson's policy pertains to how a resource is used rather than pertaining to modifications. Further note that Col. 7 lines 5-14 make no mention of Golson's policy. Therefore, although Golson teaches "a policy" Golson does not teach a "modification policy" that "automatically performing said new modification to said configuration state of said resources..." is based on. Applicant respectfully points out that the Office Action dated November 28, 2006 failed to address Applicant's arguments presented in the reply to the Office Action dated August 4, 2006 with respect to Golson not teaching a "modification policy" as recited by Claim 1.

Applicant respectfully agrees with the Office Action's statement in paragraph 8 that Golson does not describe "...by redirecting new requests for a service provided by a first resource to said available resource."

Therefore Golson does not teach or suggest "automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy by utilizing a resource pool without degrading a level of service provided by said resources of said particular type by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource, wherein said resource pool includes a plurality of available resources of multiple types ... causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource." (emphasis added) as recited by Claim 1. Amended independent Claims 11 and 21 should be patentable over Golson for similar reasons that Claim 1 should be patentable over Golson.

Thompson does not remedy the deficiency in Golson in that Thompson also does not teach or suggest, among other things, "...by re-directing new requests for a service provided by a first resource to said available resource ... causing said first resource to discontinue providing said service after said available resource

completes existing service requests originally intended for said first resource," as recited by Claim 1.

Thompson teaches a fault-tolerant method and system for processing global transactions in a distributed database system. For example, Thompson states in the abstract,

> If a fault occurs in the distributed database system, a transaction management system will suspend the processing of a transaction and renew it when the fault is remedied. The transaction management system identifies one or more sites in the distributed database system that contains data needed for a global transaction and divides each transaction into subtransactions for processing at distributed sites.

In paragraph 9, the Office Action asserts that Thompson teaches "by re-directing new requests for a service provided by a first resource to said available resource" at Col. 5 lines 34-55. Col. 5 lines 52-55 state, "If the data is unavailable at one site in the DDS, the local transaction manager A1 can redirect the execution of a substraction to another site that contains the needed data." It appears to Applicant that the Office Action is asserting that Thompson's "execution of a subtransaction" is an example of Claim 1's "service," that Thompson's "one site" is an example of Claim 1's "first resource" and that Thompson's "another site" is an example of Claim 1's "available resource." However, Thompson's "another site" would not have a configuration state that a new modification is automatically performed on. Nor would it make sense for Thompson's "another site" to have such a configuration state. Therefore, Thompson cannot be combined with Golson because such a combination would render both Thompson and Golson inoperable.

Further, Thompson cannot teach "causing said first resource to discontinue providing said service after said available resource completes existing service requests originally intended for said first resource" because it would not make sense to cause Thompson's "one site" to discontinue providing Thompson's "execution of subtransaction" after Thompson's "another site" completes existing subtransaction requests that were originally intended for Thompson's "one site."

Therefore, Claim 1 should be patentable over Golson and Thompson for at least the reason that neither Golson nor Thompson, alone or in combination, teach or suggest "...by re-directing new requests for a service provided by a first resource to said available resource ... causing said first resource to discontinue providing

said service after said available resource completes existing service requests originally intended for said first resource," as recited by Claim 1. Independent Claims 11 and 21 should be patentable for similar reasons that Claim 1 should be patentable.

Claims 3-10 depend from Claim 1, Claims 13-20 depend from Claim 11, and Claims 22-28 depend from Claim 21 and include all of the limitations of the respective independent Claims 1, 11, and 21. Further, the dependent Claims include additional limitations which further make them patentable. Therefore the dependent Claims should be patent for at least the reasons that the independent Claims 1, 11, and 21 are patentable.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-28 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1-28 be considered be the Examiner. Therefore, allowance of Claims 1-28 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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